

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

BRIDGET BARDUA,
Plaintiff,

Case No. 1:20-cv-110
Dlott, J.
Litkovitz, M.J.

vs.

CITY OF CINCINNATI,
Defendant.

**REPORT AND
RECOMMENDATION**

Plaintiff originally filed this employment discrimination action in the Hamilton County, Ohio Court of Common Pleas on November 13, 2019, alleging claims under 42 U.S.C. § 1981a, Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.*, and state law. (Doc. 1, Exh. A). Defendant removed the action to this Court on February 11, 2020. (Doc. 1). Defendant filed a motion to dismiss the complaint on March 25, 2020. (Doc. 6). Plaintiff filed an amended complaint on April 13, 2020. (Doc. 7). On April 23, 2020, defendant filed an answer to the amended complaint. (Doc. 8).

Plaintiff's amended complaint supersedes the original complaint and is the "legally operative complaint" in this matter. *Scuba v. Wilkinson*, No. 1:06-cv-160, 2006 WL 2794939, at *2 (S.D. Ohio Sept. 27, 2006) (citing *Parry v. Mohawk Motors of Mich., Inc.*, 236 F.3d 299, 306 (6th Cir. 2000)). Accordingly, it is **RECOMMENDED** that defendant's motion to dismiss the original complaint (Doc. 6) be **DENIED** as **MOOT**.

Date: 5/18/2020



Karen L. Litkovitz
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).